

CHAPTER 1

DEFINITIONS

1-1 DEFINITIONS. Definitions of terms frequently used in this manual are listed below. Additional definitions may be found with the specific text where they are used.

- (1) **Abuse** means the willful --
 - (a) infliction of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical harm or pain or mental anguish; or
 - (b) deprivation by a person, including a caretaker, of goods or services which are necessary to avoid physical harm, mental anguish, or mental illness.
- (2) **Act** means the Older Americans Act of 1965, as Amended (42 U.S.C. 3001, et Seq.)
- (3) **Administration on Aging** (AoA) means the agency, established in the Office of the Secretary, U.S. Department of Health and Human Services, which is charged with the responsibility of administering the provisions of the Act, except for Title V.
- (4) **Adult child with a disability** means a child who --
 - (a) is 18 years of age or older;
 - (b) is financially dependent on an older individual who is a parent of the child; and
 - (c) has a disability.
- (5) **Area Agency on Aging** means the single purpose agency or separate organizational unit of a multipurpose agency designated by the Commission to develop, under the leadership of the state agency, comprehensive and coordinated community based systems in, or serving, each community within a defined PSA, through advocacy, planning, coordination, inter-agency linkage, information sharing, brokering and evaluation activities.
- (6) **Caretaker** means a family member or other individual who provides (on behalf of such individual or of a public or private agency, organization, or institution) uncompensated care to an older individual who needs supportive services.
- (7) **Case management service** means --
 - (a) a service provided to an older individual, at the direction of the older individual or a family member of the individual --
 - (i) by an individual who is trained or experienced in the case management skills that are required to deliver the services and

- coordination described in subparagraph (b); and
 - (ii) to assess the needs, and to arrange, coordinate, and monitor an optimum package of services to meet the needs, of the older individual; and
 - (b) includes services and coordination such as --
 - (i) comprehensive assessment of the older individual (including the physical, psychological, and social needs of the individual);
 - (ii) development and implementation of a service plan with the older individual to mobilize the formal and informal resources and services identified in the assessment to meet the needs of the older individual, including coordination of the resources and services --
 - (I) with any other plans that exist for various formal services, such as hospital discharge plans; and
 - (II) with the information and assistance services provided under this Act;
 - (iii) coordination and monitoring of formal and informal service delivery, including coordination and monitoring to ensure that services specified in the plan are being provided;
 - (iv) periodic reassessment and revision of the status of the older individual with --
 - (I) the older individual; or
 - (II) if necessary, a primary caregiver or family member of the older individual; and
 - (v) in accordance with the wishes of the older individual, advocacy on behalf of the older individual for needed services or resources.
- (8) **Commission** means the Tennessee Commission on Aging, created by the Tennessee Commission on Aging Act of 1982, as amended.
- (9) **Comprehensive and Coordinated System** means a system for providing all necessary supportive services, including nutrition services, in a manner designed to:
 - (a) facilitate accessibility to, and utilization of, such services;
 - (b) develop and make the most efficient use of such services in meeting the needs of older individuals; and
 - (c) use available resources efficiently and with a minimum of duplication.

- (10) **Dance-movement therapy** means the use of psychotherapeutic movement as a process facilitated by a dance-movement therapist, to further the emotional, cognitive or physical health of an older individual.
- (11) **Direct services** means any activity performed to provide services directly to an individual older person by the staff of a service provider, an area agency, (or a State agency in a single planning and service area state.)
- (12) **Disability** means (except when such term is used in the phrase "severe disability," "developmental disabilities," "physical or mental disability," "physical and mental disabilities," or "physical disabilities") a disability attributable to mental or physical impairment, or a combination of mental and physical impairment, that results in substantial functional limitations in one or more of the following areas of major life activity:
- (a) self-care,
 - (b) receptive and expressive language,
 - (c) learning,
 - (d) mobility,
 - (e) self-direction,
 - (f) capacity for independent living,
 - (g) economic self-sufficiency,
 - (h) cognitive functioning, and
 - (i) emotional adjustment.
- (13) **Education and training service** means a supportive service designed to assist older individuals to better cope with their economic, health, and personal needs through services such as consumer education, continuing education, health education, pre-retirement education, financial planning and other education and training services.
- (14) **Elder abuse** means abuse of an older individual.
- (15) **Exploitation** means the illegal or improper act or process of an individual, including a caregiver, using the resources of an older individual for monetary or personal benefit, profit, or gain.
- (16) **Federal Fiscal Year** means the period October 1 through September 30.
- (17) **Focal Point** means a facility established to encourage the maximum collocation or coordination of services for older individuals.

- (18) **Frail** means, with respect to an older person, that the individual is determined to be functionally impaired because the individual --
- (a) (i) is unable to perform at least two activities of daily living without substantial human assistance, including verbal reminding, physical cueing, or supervision; or
 - (ii) at the option of the State, is unable to perform at least three such activities without such assistance; or
 - (b) due to a cognitive or other mental impairment, requires substantial supervision because the individual behaves in a manner that poses a serious health or safety hazard to the individual or to another individual.
- (19) **Greatest economic need** means the need resulting from an income level at or below the poverty line as defined by the Office of Management and Budget and adjusted by the Secretary of Health and Human Services in accordance with Section 673(2) of the Community Services Block Grant Act.
- (20) **Greatest social need** means the need caused by non-economic factors which include -- physical and mental disabilities; language barriers; and cultural, social, or geographic isolation, including that caused by racial or ethnic status, that -- restricts an individual's ability to perform normal daily tasks; or which threatens his or her capacity to live independently.
- (21) **Information and assistance** means a service for older individuals that --
- (a) provides the individuals with current information on opportunities and services available to the individuals within their communities, including information relating to assistive technology;
 - (b) assesses the problems and capacities of the individuals;
 - (c) links the individuals to the opportunities and services that are available;
 - (d) to the maximum extent practicable, ensures that the individuals receive the services needed by the individuals, and are aware of the opportunities available to the individuals, by establishing adequate follow-up procedures; and
 - (e) serves the entire community of older individuals, particularly --
 - (i) older individuals with greatest social need; and
 - (ii) older individuals with greatest economic need.

- (22) **In-home services** means services provided individuals in their homes, and as used in relation to Title III-D of the Older Americans Act the term is limited to:
- (a) homemaker and home health aides;
 - (b) visiting and telephone reassurance;
 - (c) chore maintenance;
 - (d) in-home respite care for families, and adult day care as a respite service for families;
 - (e) minor modification of homes that is necessary to facilitate the ability of older individuals to remain at home and that is not available under other programs, except that not more than \$150 per client may be expended for such modification;
 - (f) personal care services; and
 - (g) other in home services as defined in the state plan and by the area agency on aging in the area plan.
- (23) **Means test** as applied to Title III services refers to the use of an older person's income or financial resources to deny or limit that person's receipt of services, a practice which is prohibited by the Older Americans Act.
- (24) **Multipurpose senior center** means a community facility for the organization and provision of a broad spectrum of services which shall include provision of health (including mental health), social, nutritional, and educational services and the provision of facilities for recreational activities for older individuals.
- (25) **Music therapy** means the use of musical or rhythmic interventions specifically selected by a music therapist to accomplish the restoration, maintenance, or improvement of social or emotional functioning, mental processing, or physical health of an older individual.
- (26) **Neglect** means the failure to provide for oneself the goods or services which are necessary to avoid physical harm, mental anguish, or mental illness or the failure of a caretaker to provide such goods or services.
- (27) **Nonprofit agency** means an agency, institution, or organization which has no part of the net earnings benefiting any private shareholder or individual.
- (28) **Older individual** means any individual who is 60 years of age or older.
- (29) **Physical harm** means bodily pain, injury, impairment, or disease.

- (30) **Planning and service area** means an area designated by the state agency for purposes of planning, development, delivery, and overall administration of services under an area plan.
- (31) **Disease prevention and health promotion** in relation to Title III-F means:
- (a) health risk assessments;
 - (b) routine health screening, which may include hypertension, glaucoma, cholesterol, cancer, vision, hearing, diabetes, and nutrition screening;
 - (c) nutritional counseling and educational services for individuals and their primary caregivers;
 - (d) health promotion programs, including programs relating to chronic disabling conditions (including osteoporosis and cardiovascular disease) prevention and reduction of effects, alcohol and substance abuse reduction, smoking cessation, weight loss and control, and stress management;
 - (e) programs regarding physical fitness, group exercise, and music, art, and dance-movement therapy, including programs for multigenerational participation that are provided by --
 - (i) an institution of higher education;
 - (ii) a local educational agency, as defined in section 1471 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891); or
 - (iii) a community-based organization;
 - (f) home injury control services, including screening of high-risk home environments and educational programs on injury prevention including fall and fracture prevention in the home environment;
 - (g) screening for the prevention of depression, coordination of community mental health services, provision of educational activities, and referral to psychiatric and psychological services;
 - (h) educational programs on the availability, benefits and appropriate use of preventive health services covered under Medicare - Title XVIII of the Social Security Act (42 U.S.C.1395 et. seq.);
 - (i) medication management screening and education to prevent incorrect medication and adverse drug reactions;
 - (j) information concerning diagnosis, prevention, treatment, and rehabilitation of age-related diseases and chronic disabling conditions, including osteoporosis, cardiovascular diseases, and Alzheimer's disease and related disorders with neurological and organic brain dysfunction;
 - (k) gerontological counseling; and

- (1) counseling regarding social services and follow-up health services based on any of the services described above.
- (32) **Regulations** means Title 45, Code of Federal Regulations, "Grants for State and Community Programs on Aging," published August 31, 1988.
- (33) **Service provider** means an entity that is awarded a contract from an area agency to provide services under the area plan.
- (34) **Severe disability** means a severe chronic disability attributable to mental and/or physical impairment, or a combination of mental and physical impairments, that --
 - (a) is likely to continue indefinitely; and
 - (b) results in substantial functional limitation in three or more of the following major life activities:
 - (i) self-care
 - (ii) receptive and expressive language
 - (iii) learning
 - (iv) mobility
 - (v) self-direction
 - (vi) capacity for independent living
 - (vii) economic self-sufficiency
 - (viii) cognitive functioning, and
 - (ix) emotional adjustment
- (35) **State Agency** means the Tennessee Commission on Aging.
- (36) **State Fiscal Year** means the period July 1 through June 30.
- (37) **Unit of general purpose local government** means a political subdivision of the state whose authority is general and not limited to only one function or combination of related functions; or an Indian tribal organization.